

REMARKS

Claims 1, 3-10 and 12-14 are pending. Claims 1 and 10 are independent.

Claims 1, 3-10, and 12-14 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, in claims 1 and 10, the specification does not describe "...a hand-held portable computer..." ... In response, the "hand-held" limitation has been deleted. Accordingly, applicants respectfully request removal of this rejection.

Claims 1, 3, 5-10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (US Patent 6437797) in view of Ogaki et al. (US Pub 20020154150). Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (US Patent 6437797) in view of Ogaki et al. (US Pub 20020154150) and in further view of Rusch (US Patent 6801777). Independent claims 1 and 10 have been amended to recite the limitations of: "and wherein in the time mode adjusting the zoom setting enables a broad view the representations (92) to details of a single representation (92)." No new matter has been added. Support for these amendments can be found, at least, on page 9, lines 20-26 and Fig. 5.

Applicants can find nothing in either Ogaki or Ota that teaches the above limitation. Accordingly, applicants request removal of these rejections.

Further, the Office Action indicates the Ota fails to teach a zoom control and indicates that Ogaki teaches a display control method comprising a zoom control (fig. 4, page 2, [0019], [0022]).

Although Ogaki teaches the use of a zoom control it fails to teach “a zoom control (14), wherein the computer device accepts input from the zoom control (14) and adjusts the zoom setting of the display *to adjust the displayed time interval in the time mode and the display area in the space mode* in accordance with the input on the zoom control (14)...” Ogaki is silent on adjustments in two modes e.g. the space mode and time mode, as claimed.

The Office Action further indicates that “it would have been obvious to one skill in the art at the time the invention was made to incorporate Ogaki's display control method to modify Ota's image data managing method in order to built a handheld portable device with adjustable zoom setting of the display to adjust the displayed time interval and the display area to get more detail positional information of captured images” [Office Action, page 4, last paragraph – page 5, first paragraph]. Applicants respectfully disagree.

Ogaki's a zoom control is clearly to adjust the display area in the space mode. Nothing in either Ogaki or Ota teaches, suggests or implies adjusting the zoom setting of the display to adjust *the displayed time interval in the time mode*, as claimed. Therefore even if the Ogaki and Ota could be combined, as indicated in the Office Action, it would still not produce the present invention. The combination would only provide the setting of the display to adjust the displayed space interval in the display area to get more detail positional information of captured images.

Moreover, Applicants respectfully submit that the Examiner has used impermissible hindsight. The Federal Circuit in *In re Rouffet* stated that virtually all inventions are combinations of old elements. Therefore an Examiner may often find many elements of a claimed invention in the prior art. To prevent the use of hindsight based on the invention to defeat patentability of the invention, the Examiner is required to show a motivation to combine the references and further a motivation to modify the combination to justify a finding of obviousness. Appellants respectfully submit that the Examiner has not met this burden.

For at least the above cited reasons, Applicant submits that Claim 1 is clearly patentable over Ota and Ogaki.

As noted, independent Claim 10 is a method claim related to Claim 1. Thus, Claim 10 is urged as patentable over the prior art for the same reasons as is Claim 1.

The other claims in this Application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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